

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Mark J. RATAIN et al.

Serial No.: 10/591,228

Filed: August 31, 2006

For: POLYMORPHISMS IN THE  
EPIDERMAL GROWTH FACTOR  
RECEPTOR GENE PROMOTOR

Group Art Unit: 1761

Examiner: Unknown

Atty. Dkt. No.: ARCD:404US

Confirmation No.: 4349

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

July 18, 2007  
Date

  
Gina N. Shishima

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:404US.

This application may be related by inventorship and/or subject matter to U.S. application numbers:

08/423,641, filed April 17, 1995, issued as U.S. Patent No. 5,786,344;

09/251,274, filed February 16, 1999, under reexam as U.S. application no. 90/007,601;

09/553,829, filed April 21, 2000, now abandoned;

09/835,082, filed April 12, 2001, now abandoned;

10/057,834, filed January 25, 2002, now abandoned;

10/061,693, filed February 1, 2002, issued as U.S. Patent No. 6,472,157;

10/277,160, filed October 21, 2002, now abandoned;

10/591,484, filed September 1, 2006;

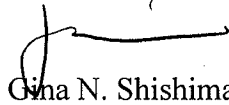
10/558,510, filed October 23, 2006;

10/751,606, filed January 5, 2004;

11/561,341, filed November 17, 2006.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Date: July 18, 2007

Form PTO-1449 (modified)		Atty. Docket No.: ARCD:404US	Serial No.: 10/591,228
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant: Mark J. RATAIN et al.	
		Filing Date: August 31, 2006	Group: 1761
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.

### Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Language

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C13	Liu <i>et al.</i> , "Two SNPs in the epidermal growth factor receptor (EGFR) gene promoter are associated with gene expression <i>in vitro</i> ," AACR Meeting Abstract #2101, <i>Proc. Amer. Assoc. Cancer Res.</i> , Volume 45, 2004.

25797458.1

**EXAMINER:****DATE CONSIDERED:**

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.